

How Should Pro-Lifers Think About Fetal Pain?

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Summary: Both abortion advocates and abortion critics use the idea of fetal pain to bolster their cases. Abortion advocates claim the fetus doesn't feel pain until late in gestation, rendering early-term abortions unproblematic. Abortion critics attempt to gain sympathy for fetuses, realizing that many who think killing is sometimes justified are much more reticent to allow procedures that inflict suffering. How should abortion critics view fetal pain? What resources can we use to study when the unborn begins to feel pain? What strategic concerns should pro-lifers consider when using fetal pain arguments in conversation? This short article answers these questions and cites a number of Internet resources for the study of fetal pain.

Recently, someone asked me about fetal pain and wanted resources for discussing it. My view is that the fetus probably doesn't feel pain until, at the earliest, 20 weeks post-fertilization. It may be later and possibly earlier. There is a significant debate on the topic in the medical community and I will suggest resources for reviewing it in a moment. Every time this question is raised in relation to abortion, however, I feel a few important qualifications are necessary.

First, it is important to remember that the value of the unborn does not depend on whether or not it can feel pain. The value of the unborn depends on whether or not it is a human being. There are many born human beings who can't feel pain. Some can't feel pain temporarily (under anesthetic or reversibly comatose) while others will never feel pain (see Gabby's story cited below). Can we abuse or kill these folks because they can't feel pain? Of course not. So we know pain sensation is not necessary for human beings to be protected as valuable entities.

In addition, it is clear that animals feel pain in much the same way that humans do. Yet there is a qualitative difference between killing an animal and killing a human being. The latter is certainly worse because the human has special worth and dignity.⁵⁴ Although animals may feel pain, killing them in many cases is not morally wrong. Pain sensation is not a sufficient reason to think of animals as having the dignity of humans. So pain sensation is neither a necessary nor a sufficient condition for value.

Because of this, I don't bring up the issue of fetal pain when I am making a case for *the value of the unborn*. We can't know if the unborn is or isn't valuable based on its ability to feel pain. But inflicting unnecessary suffering is certainly an evil in itself, so if the unborn feels pain, this fact is *helpful* to the discussion of abortion in two ways:

- It helps us establish common ground in order to ease tension in a conversation and build consensus. Even if people disagree that the unborn have the right to life, most will agree that inflicting unnecessary suffering is wrong.
- It helps us sway public opinion against late-term abortion so that some abortions can be outlawed. People not only identify more easily with a late-term fetus that feels pain but also are horrified at the thought of dismembering an innocent living thing. I believe this horror grows in intensity the older the fetus becomes.

So a working knowledge of when the unborn can feel pain will help any pro-life advocate. It is important that the concern about pain does not dominate pro-life strategy, however, for the reason I mentioned earlier: *Abortion is wrong primarily because it kills an innocent human being, not because it causes that human being pain.*

⁵⁴ This, of course, doesn't mean we can treat animals any way we like. Not only do we know directly that inflicting pain on animals without cause is wrong, but there is also a Scriptural mandate to be good stewards of all of God's creation.

In addition, an inordinate focus on fetal pain is dangerous because many abortions cause little or no pain. If I'm correct in assessing the fetus as incapable of feeling pain until about 20 weeks gestation, then 99% of fetuses subjected to abortion do not feel it (99% of abortions take place before week 21 according to the Alan Guttmacher Institute: www.guttmacher.org). In addition, late-term techniques may be developed that will cause the fetus little or no pain. Before his death in 2009, Dr. George Tiller in Wichita, Kansas, claimed that his injection into the late-term fetus will "assure that it will be stillborn and will not experience any discomfort during the procedure" (source no longer available: <http://www.driller.com/procedure.html>). It is not clear what he believed about the pain sensation of the fetus from the time of injection until the death of the fetus. Even if Tiller's digoxin technique causes some pain to the fetus, we can imagine that an abortion technique that causes no pain even in the late-term may be developed at some point.

With these concerns in mind, I offer the following article citations for the study of fetal pain. I have listed them in the order I would study them.

Peer-Reviewed Journals:

1. K.J.S. Anand And P.R. Hickey, "Pain and its Effects in the Human Neonate and Fetus," *The New England Journal Of Medicine*, 317 (21): 1321-1329, 19 November 1987. (available at <http://www.cirp.org/library/pain/anand/>)
2. Giannakoulopoulos, et al., "Fetal plasma cortisol and Beta-endorphin response to intrauterine needling," *The Lancet*, 344(8915): 77-81, 9 July 1994.
3. British Medical Journal – many articles appeared in 1996 and 1997 in a debate on fetal pain – search "fetal pain" at <http://bmj.bmjournals.com/search.dtl>
4. Fisk, et al., "Effect of Direct Fetal Opioid Analgesia on Fetal Hormonal and Hemodynamic Stress Response to Intrauterine Needling," *Anesthesiology*, 95(4): 828-835, October 2001. (Search for the article at www.anesthesiology.org)
5. Garg and Rovnaghi, "Fetal Response to Intra-Uterine Needling: Does it Matter? Is it Pain?" *Pediatric Research*, Vol. 51, No. 1. 2002 (review the Fisk *Anesthesiology* article cited above)
6. Anand, K. J. and Maze, Mervyn, "Fetuses, Fentanyl, and the Stress Response: Signals from the Beginnings of Pain?" *Anesthesiology*, 95(4): 823-825, October 2001 (www.anesthesiology.org)
7. Strumper, et. al., "Fetal Plasma Concentrations after Intraamniotic Sufentanil in Chronically Instrumented Pregnant Sheep," *Anesthesiology*, 98(6):1400-1406, June 2003.
8. Wolf, "Treat the babies, not their stress responses," *Lancet*, Volume 342 (8867), (August 7, 1993), 319-320

Other Articles:

- "Rare nerve disorder leaves girl pain-free," Associated Press, 4/26/2004, <http://www.msnbc.msn.com/id/4788525>. Also Google Search: "Gabby Gingras"
- William F. Colliton, Jr., M.D. and John Cavanaugh-O'Keefe, "Fetal Pain: An Agonizing Reality" (<http://www.catholicculture.org/culture/library/view.cfm?recnum=2674>)
- The Telegraph, "Foetuses 'may be conscious long before abortion limit,'" October 10, 2003. See <http://www.telegraph.co.uk/news/main.jhtml?xml=/news/2003/03/10/nfoet10.xml&sSheet=/news/2003/03/10/ixhome.html>.
- President Reagan's Quote on Abortion and Fetal Pain and Confirmation by Various Doctors (http://www.mpomerle.com/NoAbort/Reagan_Fetal_Pain.shtml)
- National Right to Life Committee's links on fetal pain: http://www.nrlc.org/abortion/fetal_pain/index.html